



# South Coast Air Quality Management District

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## ENVIRONMENTAL JUSTICE ADVISORY GROUP FRIDAY, APRIL 29, 2011 MEETING MINUTES

### MEMBERS PRESENT:

Dr. Joseph Lyou, AQMD Governing Board Member, EJAG Chairman  
Rhetta Alexander, San Fernando Valley Interfaith Council  
Lawrence Beeson, Loma Linda University, School of Public Health  
Suzanne Bilodeau, Knott's Berry Farm  
Paul Choe, Korean Drycleaners & Laundry Association  
Afif El-Hasan, American Lung Association  
Mary Figueroa, Riverside Community College  
Maria Elena Kennedy, Quail Valley Task Force  
Pat Kennedy, Greater Long Beach Interfaith Community  
Daniel Morales, National Alliance for Human Rights  
Elina Nasser, Center for Occupational and Environmental Health, UCLA  
Woodie Rucker-Hughes, NAACP – Riverside Branch  
Rafael Yanez, Member of the Public

### MEMBERS ABSENT:

Detrich Allen, City of Los Angeles Environmental Affairs  
Alycia Enciso, Small Business Owner  
Mimi Holt, SEIU Local 121 Registered Nurses  
Andrea Hricko, Southern California Environmental Health Sciences  
Evelyn Knight, Long Beach Economic Development Commission  
Brenda LaMothe, S. Los Angeles Service Representative for L.A. Mayor  
Angelo Logan, East Yard Communities for Environmental Justice  
Margaret Mapes, St. Joseph Center  
John Moretta, Resurrection Church  
William Nelson, OC Signature Properties  
Paul Ong, UCLA School of Public Affairs  
Salvador Ramirez, National Hispanic Environmental Council  
Neal Richman, Breathe LA

### OTHERS PRESENT:

Earl Elrod, Board Member Assistant (*Yates*)  
Nicole Nishimura, Board Member Assistant (*Lyou*)  
Sue Gornich, BP  
David Rothbart, Los Angeles County Sanitation District  
Sarah Weldon, AAR

### AQMD STAFF:

Elaine Chang, Deputy Executive Officer

Anupom Ganguli, Asst. Deputy Executive Officer/Public Advisor  
John Kampa, Financial Analyst  
Lori Langrell, Secretary  
Cheryl Marshall, Program Supervisor  
Lady McDesmond, Office Assistant  
John Olvera, Principal Deputy District Counsel  
Lisa Tanaka O'Malley, Community Relations Manager  
Robert Pease, Program Supervisor  
Donna Peterson, Financial Services Manager  
Jill Whynot, Director of Strategic Initiatives

**Agenda Item #1 - Call to Order/Opening Remarks**

Chair Dr. Joseph Lyou called the meeting to order at 12:04 PM.

**Agenda Item #2 – Approval of January 28, 2011 Meeting Minutes**

Chair Lyou called for the approval of the meeting minutes. The January 28, 2011 meeting minutes were approved.

Dr. Anupom Ganguli reviewed the action items from the January 28, 2011 meeting.

**Agenda Item #3 – Member Updates**

No comments.

**Agenda Item #4 – Overview of The Brown Act and Limitations with Member Communications**

Mr. John Olvera provided an overview of The Brown Act, and discussed limitations of member communications.

Ms. Mary Figueroa asked if members from the Inland Empire could meet. Chair Lyou responded only if less than 14 members meet and the issue they discuss is not coming before the group. Chair Lyou added if you have the majority of EJAG (14 members) as Facebook friends and you post your opinions on items that could go before the group, it could be an issue, and also noted to be aware of listserves. Chair Lyou informed members there are two organizations that have websites that provide information on open meeting laws and public records act issues, the First Amendment Coalition and Californians Aware. Mr. Olvera noted the California Attorney General has a handbook for reference as well.

Mr. Pat Kennedy asked if the Attorney General enforces the law, and how often there is enforcement. Mr. Olvera indicated enforcement is usually at the local level by the District Attorney's office. Mr. Olvera stated that, for example, the Los Angeles County D.A. has a Public Integrity Unit that generally oversees this area, and enforcement action is taken a couple times per year. Chair Lyou added that members of the public can enforce as well, and sometimes do. Mr. Kennedy asked if serial meetings are the types of enforcement that tend to occur. Mr. Olvera responded that challenges based on alleged serial meetings are often a question of fact, so these are not the typical enforcement actions. Mr. Olvera continued to say the issues that arise more typically are based on an agenda item being heard in a closed session and its appropriateness. Mr. Kennedy asked if the violations are hard to track. Mr. Olvera indicated that issues may arise if events happen one after another.

**Agenda Item #5 – Update on the Clean Communities Plan**

Ms. Cheryl Marshall provided an update on the Clean Communities Plan.

Ms. Elina Nasser asked how people can get involved in the Boyle Heights working group. Ms. Marshall replied that the meetings are open to the public. Ms. Nasser asked if those interested can be a member of the working group. Mr. Rafael Yanez indicated he is also interested in participating, and Ms. Marshall asked that both he and Ms. Nasser see her after the meeting to discuss the working group and get their contact information to keep them informed.

Chair Lyou noted some omissions in the CCP pilot project, including a systematic assessment of the sources of air pollution to identify the air quality problems and for which, it would be helpful to create maps showing the various sources and locations, 'ground truthing', complaints and complaint resolution, local land use decisions being made and the consequences of those decisions, explanation of why additional data is being collected at the railyards despite the health risk assessment being complete, best business management practices for unregulated operations, and overall investigation of a broader range of issues that will arise in communities, as part of the CCP.

Mr. Kennedy asked what the priorities were for the people in the community and what was the highest priority. Ms. Marshall replied the railyards are a high priority, but there are also other source of air pollution as well as quality of life issues and interest in making the city more 'walkable'. Chair Lyou suggested assisting the city with SB 375 implementation issues. Dr. Ganguli responded that many of the items Chair Lyou mentioned were actually discussed at the working group meeting, including the impact of mobile sources and the need for additional education and awareness of the issues, and how to take action. Dr. Ganguli added that staff is looking at various techniques such as using the web for virtual classes and multilingual information dissemination for addressing these issues. Dr. Ganguli said communities are interested in what can be done about the issues and noted that staff is working to secure funding from other sources and working with local government to change local policy and ordinances and provide education and support.

Mr. Yanez suggested the Clean Communities Plan should empower local businesses and local residents, in addition to local governments, in keeping with existing programs, such as the Environmental Protection Agency's (EPA) Clean Air Act and Clean Water Act, and making a multifaceted attack on reducing the impact of mobile sources. Chair Lyou added that the Board is looking into re-adopting a permit amnesty program to allow businesses that did not register their equipment to do so with no penalty being assessed.

Ms. Nasser asked if the District could advice and partner with the working group to help facilitate some changes with mobile sources, and asked about the District's position in the Clean Communities Plan with reference to mobile sources. Ms. Marshall said that in San Bernardino, in addition to the District, the EPA, California Air Resources Board (CARB), and the San Joaquin Valley Air Pollution Control District are all working together in a collaborative effort. Dr. Elaine Chang indicated that if there are specific mobile source problems, for example trucks driving into residential neighborhoods, one can work with local governments to post signs for trucks not to enter or park in residential neighborhoods. Dr. Chang continued to say the District's goal is to provide a solution for the mobile source problems, such as offering Carl Moyer and Proposition 1B funding to truck owners to assist with their engine and truck replacement.

Mr. Yanez asked if there will be outreach under the Clean Communities Plan to encourage and educate communities on how to report air quality complaints, and if the District is going to review how the complaints are received and responded to. Dr. Ganguli explained that the District responds to all complaints received and the potential improvements include education using both traditional and new media. Dr. Ganguli further noted there is a video available in English and Spanish that explains the

steps necessary to file a complaint. Mr. Yanez noted that while the video is great, it might be a good idea to utilize billboards in underserved communities with information on reporting air quality complaints to get a better response from communities. Ms. Figueroa concurred with Mr. Yanez that many communities do not know how to file a complaint about air quality issues, in particular Riverside community members who are being affected by freeway closures in Colton.

Mr. Kennedy suggested when the permit amnesty program opens, to check with engaged community members and see if they are willing to share the information with their local businesses. Dr. Ganguli concurred and stated that the District plans to send staff to local auto body shops, dry cleaners, and other types of businesses to apprise them of the opportunity to come into compliance without a penalty. Mr. Yanez asked if the concerns raised through the community walks will be passed on to the appropriate agencies, and if we will work with these agencies. Dr. Ganguli responded they have local government included in these groups for that reason, because of local jurisdiction and local ordinance issues and involvement of local transportation agencies.

Chair Lyou asked what the timeline is for the pilot projects. Dr. Chang said they are looking at the next two to three years.

#### **Agenda Item #6 – FY 2011-12 Draft Budget and Work Program and CPI Fee Adjustment**

Mr. John Kampa, Mr. Robert Pease, and Ms. Jill Whynot jointly provided an overview of the Executive Officer's Proposed Budget and Work Program and CPI Fee Adjustment.

Ms. Nasser asked why the revenue went up for asbestos notification filing. Ms. Donna Peterson responded that they have seen more revenue recently due to the changes in the economy and increased demolition and construction.

Ms. Figueroa asked if the staff reductions were through attrition or retirement. Mr. Kampa replied that 27% of the workforce is eligible for retirement with either 30 years of service and age 55 years or older or age 70 years or older. Mr. Kampa continued to say the projections do not include the turnover of positions because new employees come in at a different retirement formula than the older employees, so cost savings are not built into the projection. Dr. Ganguli added that the Governing Board has projected the agency to downsize in future. Ms. Figueroa further asked if the decrease in staffing levels has resulted in a hindrance in outreach. Dr. Ganguli replied that the reductions are uniformly spread with no department being singled out, and that contractors are utilized to fill gaps, as needed, from year to year.

Mr. Daniel Morales asked what retirement system District employees are under. Mr. Kampa responded it is San Bernardino County Employee's Retirement Association (SBCERA). Mr. Morales asked if they are self insured, which staff was unsure of.

Mr. Kennedy asked for clarification under the "revenue comparison" slide, and asked what annual operating revenue is. Ms. Peterson replied that companies with a permit have to pay annual renewal fees.

Dr. El-Hasan asked if the District has an intern program in place, and if they partner with universities. Dr. Ganguli indicated there are two intern programs at the District, one through the Governing Board, and one through the Cal Poly Pomona Foundation.

Mr. Yanez stated within his department at the City of Los Angeles Sanitation District, they have a budget of \$80,000 for permit fees and asked how they can expect to be affected by the fee adjustment. Ms. Whynot explained the fees will increase by 1.4%.

**Agenda Item #7 – Other Business**

Chair Lyou reviewed the 2011 Goals & Objectives for future Agenda items and welcomed any recommendations from the members for the next agenda. Dr. Ganguli noted the BP Settlement Funds overview would be on the next agenda, which Chair Lyou confirmed. Mr. Yanez said he would like to discuss intergovernmental relations and Chair Lyou said Local Land Use Guidance Planning could be discussed at the same time since they are related.

**Agenda Item #8 – Public Comment**

No comments received.

**Agenda Item #9 – Adjournment**

The meeting adjourned at 2:20 PM.